

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Western District of MichiganSouthern Division**FILED - GR**

November 14, 2022 1:03 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB/11-14

Case No. _____

(to be filled in by the Clerk's Office)

Inez Edwards

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ NoVerified Civil ComplaintUnknown Valdez et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

1:22-cv-1059**Ray Kent****U.S. Magistrate Judge**

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Inez Edwards

Street Address

Muskegon Heights, Muskegon

City and County

2500 S. Sheridan Rd.

State and Zip Code

Michigan 49444

Telephone Number

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Unknown Stump
Corrections Supervisor
1727 W. Bluewater Hwy
Ionia, ~~MI~~ Ionia
Michigan 48846

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

~~28~~ 28 U.S.C. § 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

1. On 11-23-22, while entering Unit-5 from exercise yard At approx 6pm, Plaintiff Edwards and officer Valdez got into a heated argument about Edwards and others Juvenile prisoners who received monetary settlements for civil complaints which had been filed and recently settled.
2. Valdez stated "you little punks always complaining about being abused, yet you broke the law to get here. Plaintiff responded "go fuck yourself you fat fuck". Valdez then stated, "I'm tired of your shit, I'ma get your little bitch ass stabbed". Plaintiff made complaints to supervisor Stump, who did not respond.
3. on 11-24-22, At approx. 7pm while Plaintiff was waiting to be let out for exercise yard, officer Valdez opened Plaintiff's door, as Plaintiff and his cellmate walked out of the cell and up to the Unit-5 base. Officer Valdez yelled, "Go back to your cell, both of you, it's not your yard time".
4. As Plaintiff and his cellmate were returning to their cell, a prisoner ran out from behind the shower curtain on Plaintiff's wing and began stabbing the Plaintiff in the head and face with a prison made knife (shank), 4 or 5 times.
5. After the officer began to chase the prisoner who had the shank, Valdez whispered "got you bitch". Plaintiff was taken to health care and had to be treated for several puncture wounds.
6. On 2-8-22 Valdez stopped at Plaintiff's cell on 3rd shift and stated "you thought I was joking when I said I was going to get you fucked up?" "I got something else for you when you get out."

7 - Plaintiff was placed on involuntary protection and placed in a punitive Segregation cell on 11-24-22 for 4 months.

Exhaustion

8. Plaintiff attempted to resolve these adverse issues by utilizing the IBC grievance procedure to all 3 steps.

Legal Claims

Plaintiff Edwards re-alleges and Incorporates Facts (1-7).

Claim 1 violation of U.S. Constitution Amendment 8
On 11-23-22, Defendant Valdez threatened to have plaintiff assaulted in response to a legal settlement plaintiff had just won, Against MDoe Prison staff constituting (Retaliation) in violation of the 1st Amendment to the United States Constitution, ~~and plaintiff being stalked by the inmate~~ and (excessive force) in violation of the 8th Amendment to the United States Constitution.

Claim 2 violation of United States Constitution Amend 8
Plaintiff reported to defendant Stump who is Valdez's supervisor before and after he was assaulted and Stump failed to protect Plaintiff from Defendant Valdez's threats of assault constituting a failure to protect and excessive force in violation of the 8th Amendment to the U.S. Constitution.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please See Attached.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Grant Plaintiff a Declaratory Judgment that the acts and omissions of the defendants violated the U.S. Constitution and Michigan Law. Compensatory Damages in the amounts of 100,000.00 dollars against officers Valdez and Supervisor Stump. Punitive Damages in the amounts of 250,000.00 dollars against defendants Valdez and Supervisor Stump. Just. Surv. trial. Cost of Suite. Any and all other relief this court deems just.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Ivez Edwards

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



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at Court
District of Michigan
110 Mich St. NW
AS, MI 49503

INEZ G Edwards #456128

Mushegon Heights, Mushegon
2500 S. Sheridan Rd
Mushegon, Michigan 49449

U.S. District
Western District
399 Fed. Bldg.
Grand Rapids